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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/899,523	07/05/2001	Rick Winter	001342

22876
FACTOR & PARTNERS, LLC
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO, IL 60607

Docked
10-23-01
C. H.

CONFIRMATION NO. 9914
FORMALITIES LETTER



OC000000006464684

Date Mailed: 08/23/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 420.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.

Section 103(b)(2)

170.00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Winter

CASE: POW-001342

SERIAL NO.: 09/899,523

FILED ON: July 5, 2001

FOR: LEAK SENSOR FOR FLOWING ELECTROLYTE
BATTERIES

STATEMENT OF FACTS OF JOHN L. DOTSON III ON BEHALF OF POWERCELL
CORPORATION IN SUPPORT OF THE PETITION UNDER 37 C.F.R. 1.47(b)

The Honorable Commissioner of Patents
 2900 Crystal Drive
 Arlington, VA 22202-3513

Dear Sir:

I, John L. Dotson III, a citizen of the United States of America, declare that:

1. I am Vice President, General Counsel of POWERCELL CORPORATION, which has a place of business at 35 Corporate Drive, Suite 190, Burlington, MA, 01803.
2. Mr. Rick Winter was employed by POWERCELL CORPORATION as Vice President of Research and Development during the conception and preparation and filing of what became U.S. Serial No. 09/899,523 (identifying Rick Winter as the sole inventor).
3. To the best of my knowledge, Mr. Winter is the sole inventor of U.S. Application Serial No. 09/899,523 (the "Application").
4. Mr. Winter, as an officer of POWERCELL CORPORATION had, and still has, an obligation to assign all of his rights in and to the invention, and in turn any patent applications, to POWERCELL CORPORATION.
5. The Application was filed on July 5, 2001 with an unsigned Declaration.

Adjustment date: 07/29/2002 AKELLEY
 03/08/2002 SSANDARA 00000001 09899523
 04 FC:122
 RepIn. Ref: 07/29/2002 AKELLEY 0014389300
 DAH:500545 Name/Number:09899523
 FC: 704 \$130.00 CR

6. On July 12, 2001, I received a copy of the Application as filed, along with an unexecuted Assignment, and, Declaration and Power of Attorney document, from FACTOR & PARTNERS, LLC., our patent Attorneys.
7. Mr. Winter received copies of the Application as filed, along with copies of the Declaration for his signature from FACTOR & PARTNERS, LLC. On numerous occasions, Mr. Winter orally acknowledged his intent to sign and transmit a signed Declaration to FACTOR & PARTNERS, LLC., although he never did so.
8. As of February 18, 2002, Mr. Winter had failed to sign the Declaration and provide same to FACTOR & PARTNERS, LLC.
9. Inasmuch as the invention embraced by the Application is the property of POWERCELL CORPORATION, it has a significant proprietary interest in this matter.
10. Mr. Winter's failure to sign the Declaration, after numerous requests and oral acknowledgments to do so constitutes a refusal to sign which will result in irreparable damage to POWERCELL CORPORATION in that the Application will become abandoned unless the Petition under 37 C.F.R. 1.47(b) is granted. Such abandonment could result in the loss of U.S. and International proprietary rights in and to the technology embraced by the Application.
11. Pursuant to the foregoing, POWERCELL CORPORATION justly desires to file the Application on behalf of and as an agent for Mr. Winter.
12. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent resulting therefrom.

DATED THIS 19th day of February, 2002

SIGNATURE

(John L. Dotson III - POWERCELL CORPORATION, Vice President, General Counsel)

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United States and International
Intellectual Property Law

**Please note our new address
and telephone**



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FACSIMILE TRANSMITTAL

DATE: February 15, 2001

Please deliver the following pages to:

Name(s): Rick Winter

Company: Powercell

Facsimile No.: 925 443 6700- 6750

From: Jovan N. Jovanovic

Total Number of Pages 22 **including this cover sheet**

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REMARKS: Rick, attached are the drawings for each of the patent applications (nos. 1, 2 and 3), along with the declaration/power of attorney form and the assignment form for the first application that you have reviewed and I have revised.